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TAGS: [MARR](#) [NATO](#) [KTIA](#) [PREL](#) [HR](#) [SI](#)  
SUBJECT: PRIME MINISTER SAYS NATO RATIFICATION PROCEDURE  
FOR CROATIA WILL BE CUT SHORT

REF: STATE 20395

Classified By: CDA Brad Freden, Reasons 1.4 (b,d)

Summary

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11. (C) Clearly anticipating the subject of our conversation, Prime Minister Pahor pre-empted CDA's delivery of reftel's points on March 5 by opening with the news that the government believed it had the legal means to cut short the seven-day follow-up for submission of signatures in favor of a referendum on Croatia's NATO membership. This would allow Slovenia to ratify the NATO protocol and deposit its instrument of ratification before April 2. CDA stressed in meetings with the Prime Minister and with MFA Acting Director General (Under Secretary equivalent) Andrej Benedejcic the need to avoid a photo finish that would risk embarrassing Slovenia and NATO. CDA told both officials that April 3 was too late to deposit the instrument of ratification. Benedejcic assured CDA that Slovenia had registered the USG's level of concern and the PM emphasized that Slovenia would do everything legally and politically possible to avoid casting a shadow over the Summit. End Summary.

Small Chance of Turning Off Referendum before March 26

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12. (C) The PM said that the government continued to use different channels to try to persuade the referendum initiators, the Party of the Slovene Nation (SSN), to withdraw the referendum initiative before the 35-day period for gathering 40,000 signatures expires on March 26. Pahor noted that although he had been criticized for going to Maribor to meet with the SSN and try to make a deal with them, it was worth it because his meeting had sent a clear message to the public of the government's seriousness. He did not hold out much hope of a deal, explaining that SSN was biding its time in the hope that outside factors might revitalize its flagging signature campaign. The problem was that SSN had no real incentive to give up before the end of the 35-day period.

Focus on Shortening 7 Day Follow-Up Period

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13. (C/NF) Prime Minister Pahor told CDA that Parliament's legal experts agreed there was a legal means to cut the process short the day after the end of the 35-day period on March 26, rather than wait the legally-mandated seven days for signatures to be submitted. On March 27 the Speaker of the House would decide that there was enough evidence that a

quorum had not been reached and that it was crystal clear that he could send Croatia's ratification forward. Pahor acknowledged the fear that one of the smaller opposition parties in Parliament might challenge the legality of the Speaker's decision. The strategy would only succeed if there was a political consensus in Parliament. Pahor was confident that he would be able to achieve the consensus, explaining that he had been meeting regularly with Zmago Jelincic (leader of the most anti-Croatian party in parliament), and other parliamentary leaders to ensure consensus. Jelincic, he said, was primarily interested in symbolic gestures and did not seek to torpedo Croatia's NATO membership.

#### Prime Minister Heavily Engaged

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¶4. (C) As the experts discuss legal options, Pahor continues to manage the political process. He described his intense engagement with Marjan Podobnik, the mercurial leader of the Institute 25 June and an early proponent of the referendum. "I spend more time with Podobnik than with my wife," he said dryly. Pahor told us that he had persuaded Jelincic to forego the referendum campaign by agreeing not to say anything during his meeting with Sanader in Mokrice that would aggravate Jelincic's supporters. After the Mokrice meeting Jelincic complimented the PM for keeping his end of the bargain. Pahor also reached out to the Archbishop of Maribor, where SSN is based, asking him to speak out publicly against a referendum. The Archbishop did so in interviews on March 1 and 4. Emphasizing the lengths to which he was willing to go to ensure the failure of the referendum initiative, Pahor said the government had recently postponed a decision after truck drivers had threatened to support the referendum campaign.

¶5. (C) Pahor stated that Slovenia would finish the process in time and Sanader would be at the Summit. He expressed appreciation for comments this week by Croatian PM Sanader that, while critical of Slovenia's policy on the border, acknowledged that Slovenia had separated NATO ratification from the border issue and that Pahor was doing his best to ensure ratification. Pahor noted that after NATO was resolved, both sides would try to build new bridges. The Mokrice meeting had been just the first step -- it was important for the publics to see the two leaders talking, even though during the official meeting "the temperature was like Minnesota in the winter." The meeting had also resulted in the two foreign ministers talking and meeting regularly.

#### Managing Technical Details

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¶6. (C/NF ) The PM and Benedejcic both welcomed Washington's offer to accept scanned electronic copies of its instrument of ratification. Benedejcic noted that the government would thus not have to tangle with the prickly issue of whether "formalist" President Turk would sign the law ahead of time in order to allow the government to pre-position it in Washington. If all else failed and the process went to the April 2 deadline, CDA emphasized that Washington was asking Slovenia to complete its process that same day. Depositing the instrument on April 3 would likely deny Croatia a seat at the opening of the Summit, which was not an acceptable outcome. Benedejcic appreciated the timeline, but asked whether it would be possible to complete the process if Slovenia sent scanned copies at one minute past midnight on April 3. He explained that Article 4 of the Law on Ratification (for Croatia's Entry into NATO) stated that the law comes into effect the day after being published in the official gazette. He subsequently sent a revision to the timeline we provided (e-mailed to EUR/RPM, USNATO, EUR/CE, and USEmbassy Zagreb) with an April 2 1801 EST start time. Benedejcic also undertook to look again at all available options.

#### U.S. Offers to Help

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17. (C) Prime Minister Pahor declined, for the moment, our offer to assist through public diplomacy or additional private meetings with key stakeholders. As long as the signature-gathering campaign continues at its current anemic pace, the potential risks of such assistance outweigh the benefits. He assured us, however, that the MFA would work closely with us to ensure that all was in position. Benedejcic referenced a letter that FM Zbogar recently received from Elton Gallegly (R-CA), a member of the House Foreign Affairs Committee, and asked for State's assistance in assuaging concerns on the Hill. Other than that, Benedejcic noted, it was important that the U.S. and other NATO allies maintain balance in their public statements in order to avoid any perception of bias.

#### Next Steps

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18. (C) We will meet with National Assembly Speaker Pavel Gantar March 10 to confirm that Pahor's optimism is well-placed. We ask that Washington consider other possible incentives that could be used to bring this long-running drama to a quick and happy ending. We believe that the offer of a pull-aside meeting or even a photo op with President Obama -- conditioned, of course, on successful and timely completion of the ratification process -- would give Pahor a huge positive incentive to wrap this story up on March 27 and move forward on resolution of the border dispute with Croatia.  
FREDEN